

SENT VIA E-MAIL TO: pfasproducts.dep@Maine.gov

September 2, 2025

Kerri Malinowski Farris
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

RE: Chapter 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances

Dear Ms. Malinowski Farris:

On behalf of HospitalityMaine (HM), we appreciate the opportunity to comment on the Department of Environmental Protection's (DEP) proposed draft rule, Chapter 90, establishing designations for currently unavoidable uses (CUU) of intentionally added PFAS in products. HM is the statewide trade association representing Maine's lodging, restaurant, and greater hospitality industry.

Our members valued the chance to hear perspectives from DEP, the Board of Environmental Protection (BEP), and other stakeholders at the August 21, 2025, public hearing. We offer the following comments regarding the proposal to exclude cookware products from CUU status.

In its July 17, 2025, memo, DEP recommended denial of CUU designations for cookware, including kitchen electric appliances, citing insufficient evidence these products meet the statutory definition of "essential for health, safety and the functioning of society," and concluding that alternatives exist or are readily available. If adopted as drafted, certain common cookware products will be subject to the sales prohibition beginning January 1, 2026.

After speaking with restaurant operators ranging from small, independent restaurants to large national chains, we strongly urge DEP to recommend that BEP approve CUU status for cookware products made with high-performance materials, such as PTFE. The statutory standards are met: these products are essential, and alternatives of equal safety, durability, and affordability are not widely available. PTFE is not the same as older PFAS chemicals like PFOA. It does not bioaccumulate in people or the environment, has long-standing FDA approval for safe food contact, and is widely recognized by

regulators as inert and stable. Conflating PTFE with other PFAS misrepresents its real-world function in kitchens.

Why Cookware Products Meet the CUU Standard

Restaurateurs operating across Maine are generally not scientists or chemists, but there are no individuals more aware of how different cookware products function in the kitchen than those with the direct experience of running restaurants day after day. For small, mom-and-pop establishments, coffee shops, and food trucks, cookware is the foundation of their business. Larger restaurants may purchase some products through commercial suppliers, but operators of all sizes rely on affordable, durable, and high-performing cookware to prepare food safely and efficiently. Many times, this essential cookware is purchased at consumer retail outlets.

1. Varied Cooking Needs

Professional kitchens prepare hundreds of meals daily, with recipes requiring diverse cooking methods. Nonstick pans are often indispensable for items like eggs, pancakes, and seafood, while high-heat pans are required for searing meats. No single alternative material provides equivalent performance across all of these needs without compromising food safety, quality, or efficiency. As mentioned at the public hearing, independent testing has shown that ceramic coating, often suggested as a substitute, wears out far more quickly, losing nonstick properties in months rather than years, compared to PTFE.

2. Affordability

Restaurants, especially Maine's small, family-run establishments, coffee shops, and food trucks, operate on razor-thin margins (generally 3-5%). They already face rising food, labor, and energy costs along with uncertainty from tariffs. Requiring higher-cost alternatives removes affordable, reliable options. Even a modest increase in equipment costs can make the difference in staffing decisions, menu prices, and overall business operations. Ceramic cookware can cost hundreds of dollars more per set and must be replaced far more often than PTFE cookware.

3. Durability

Restaurant kitchens operate at a scale far beyond household use. Equipment is in near-constant operation, and durability is essential. PTFE-based cookware and similar high-performance products last significantly longer under these conditions than many proposed alternatives. Without them, restaurants would face increased costs, higher equipment turnover, and additional waste. Notably, requiring restaurants to cycle through cookware at a faster rate may unintentionally undermine DEP's own environmental goals, leading to more discarded equipment in landfills.

Real-World Impacts

This rule will not fall hardest on large national chains with purchasing power and supply-chain flexibility. It will fall on Maine's small diners, local pubs, family-run restaurants, and food trucks—

businesses that are cornerstones of their communities and often have no cushion to absorb new, rapid costs. Eliminating these products without proven, accessible alternatives could jeopardize their ability to serve safe, quality meals to the public. Other states, including Connecticut, Vermont, Illinois, and New Mexico, have recognized these unintended consequences and not banned non-stick cookware or delayed/revised their cookware bans to protect small businesses and consumers. Maine should avoid setting itself apart by imposing stricter rules than states with similar public health goals, especially when it puts local restaurants at a competitive disadvantage.

Conclusion

HospitalityMaine urges DEP to reconsider its recommendation and support CUU designations for cookware products made with high-performance materials. These products are essential for the functioning of Maine's restaurant industry, and practical alternatives are not readily available. A prohibition beginning in January 2026 would likely impose disproportionate and harmful impacts on small businesses—the establishments that make Maine's hospitality sector so vital to our economy and communities.

Thank you for consideration of these comments and for your ongoing work.

Sincerely,

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